

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.48486 of 2008
BUTARU RAI @ CHANDRA KISHORE RAI ... Petitioner
Versus
THE STATE OF BIHAR Opp. Party
For the petitioner: Shri Nachiketa Jha
For the State: Shri Dashrath Mehta, APP

2. 5.12.2008 Heard.

The police went to search the house of the petitioner in connection with the investigation of a case and during that course it claimed recovering two country made pistols and a few cartridges concealed under a bed which was lying in the house of the petitioner. The arms and ammunitions were seized as per the description in the seizure memo.

The contention is that it appears from the reading of the F.I.R. that the police had falsely implicated the petitioner and that it was pre-determination of the police. The further contention is that the petitioner is in custody since 14.8.2008 and that the place of recovery as indicated in the seizure memo is not as per the description in the F.I.R.

The seizure memo described the place of recovery as the house of the present petitioner and the Court does not see any variance between the description of the place in the F.I.R. and the seizure memo. As regards the argument on pre-determination of the police who roped in the petitioner falsely, the Court does not see anything any thing unusual from jumping to a conclusion as contended. It could be true that the petitioner does not bear the criminal history but there is recovery of arms and ammunitions concealed under the bed, considering which I am not inclined to direct the release of the petitioner.

The petition is dismissed.

However, as and when the petitioners completes one year in confinement without the case being concluded, the court below shall itself release the petitioner on his furnishing a bond to its own satisfaction.

(Dharnidhar Jha, J.)

Kanth